

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**March 24, 2003**

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Nicholson, Associate Justice; and Facey, bailiff. Calendar called.

**C040940      OSBORNE v. ELK GROVE UNIFIED SCHOOL DISTRICT**

Cause called. Robert P. Biegler argued for appellant. Attorney for respondent did not appear. Cause submitted.

At 9:46 a.m., the court recessed. At 9:52 a.m., the court reconvened with Scotland, Presiding Justice; Morrison, Associate Justice; and Kolkey, Associate Justice.

**C039035      GRAVES v. BOARD OF EQUALIZATION**

Cause called. Carl H. Mandabach argued for appellant. Barton R. Jenks, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:23 a.m., the court recessed. At 10:27 a.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; and Robie, Associate Justice.

**C040739      MARINE FORESTS SOCIETY et al. v. CALIFORNIA COASTAL COMMISSION**

Cause called. Lisa Trankley, Deputy Attorney General, argued for appellants. Ronald Zumbrum argued and Mark A. Teh appeared only for respondent. Cause submitted.

At 10:57 a.m., the court recessed. At 11:00 a.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; and Kolkey, Associate Justice.

**C040160      ALPER v. MAHONEY**

Cause called. Frederick G. Wood argued for appellant. Donald C. Oldaker argued for respondent. Cause submitted.

At 11:25 a.m., the court recessed. At 11:30 a.m., the court reconvened with Davis, Associate Justice; Hull, Associate Justice; and Kolkey, Associate Justice.

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Nicholson, J.

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**March 24, 2003, continued**

- C039793      THE PEOPLE v. MORGAN      (Not for Publication)**  
The judgment is affirmed. The trial court is directed to correct the clerical errors heretofore noted by preparing an amended abstract of judgment and then forwarding a certified copy of it to the Department of Corrections.  
DAVIS, Acting P.J.  
We concur: Raye, J.  
Kolkey, J.
- C041836      THE PEOPLE v. STODDARD      (Not for Publication)**  
The judgment is affirmed.  
KOLKEY, J.  
We concur: Sims, Acting P.J.  
Raye, J.
- C039972      MILLER v. BLEWETT RANCH et al.      (Not for Publication)**  
The judgment is affirmed.  
Davis, J.  
We concur: Sims, Acting P.J.  
Callahan, J.
- C040453      SMITH, Individually and as Trustee, etc. v. DEGRAZIER et al.      (Not for Publication)**  
The judgment in favor of the DeGraziers is affirmed. The judgment in favor of defendant Ski West Realty Vacation Rentals, Inc., acting by and through Bayard Langsdale, is reversed, and the matter is remanded for further proceedings consistent with this opinion. Ski West Realty Vacation Rentals, Inc. shall reimburse plaintiff for costs on appeal. (Cal. Rules of Court, rule 27(a).)  
NICHOLSON, J.  
We concur: Scotland, P.J.  
Morrison, J.
- C040585      BARE et al. v. SISKIYOU DAILY NEWS et al.      (Not for Publication)**  
The judgment is affirmed. Defendants, other than Siskiyou Daily News, shall recover their costs on appeal, including attorney fees in amounts to be determined by the trial court.  
SIMS, J.  
We concur: Blease, Acting P.J.  
Morrison, J.

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**March 24, 2003, continued**

- C040973      WALLACE THEATER CORPORATION v. SOUTH TAHOE REDEVELOPMENT AGENCY, etc. et al.      (Not for Publication)**  
The judgment is affirmed. The parties shall bear their own costs on appeal.  
SIMS, J.  
We concur: Scotland, P.J.  
Davis, J.
- C042169      GOLDEN EAGLE INSURANCE CORPORATION v. GRAND AUTO SUPPLY and TABOR      (Not for Publication)**  
The judgment is affirmed. Defendant shall recover its costs on appeal.  
SIMS, Acting P.J.  
We concur: Callahan, J.  
Hull, J.
- C041870      In re B.H.; SHASTA COUNTY DEPARTMENT OF SOCIAL SERVICES v. R.W. et al.      (Not for Publication)**  
The juvenile court's order is affirmed.  
DAVIS, Acting P.J.  
We concur: Nicholson, J.  
Hull, J.
- C042676      In re J.J.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. R.J.      (Not for Publication)**  
The juvenile court's order is affirmed.  
DAVIS, J.  
We concur: Blease, Acting P.J.  
Hull, J.
- C041436      In re STEVEN J.; DEPARTMENT OF HEALTH AND HUMAN SERVICES v. DARLICE C.**
- C041468      In re CALVINA L. et al.; DEPARTMENT OF HEALTH AND HUMAN SERVICES v. DARLICE C. et al.**  
BY THE COURT:  
The appeals filed June 13, 2002, June 14, 2002 and June 19, 2002, in the above-entitled matters are dismissed as moot.  
SIMS, Acting P.J.

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**March 25, 2003**

- C035274      THE PEOPLE v. HENNAGAN      (Not for Publication)**  
The judgment is affirmed.  
KOLKEY, J.  
We concur: Nicholson, Acting P.J.  
Morrison, J.
- C039266      THE PEOPLE v. SMITH      (Not for Publication)**  
The judgment and the order denying defendant's suppression motion are reversed. Upon motion by defendant within 30 days of the date on which this opinion is final, the trial court shall vacate defendant's no contest plea and enter an order granting defendant's suppression motion.  
BLEASE, Acting P.J.  
We concur: Callahan, J.  
Robie, J.
- C040532      THE PEOPLE v. DUPREE      (Not for Publication)**  
The judgment of conviction is affirmed.  
BLEASE, Acting P.J.  
We concur: Callahan, J.  
Robie, J.
- C040905      THE PEOPLE v. PARVIN      (Not for Publication)**  
Defendant's conviction on count 4 is reversed. The prior prison term enhancement arising from the 1993 attempted murder conviction is stricken. In all other respects, the judgment of conviction is affirmed. The matter is remanded for resentencing consistent with this opinion.  
KOLKEY, J.  
We concur: Sims, Acting P.J.  
Raye, J.
- C042181      THE PEOPLE v. MARLER      (Not for Publication)**  
The judgment is affirmed.  
ROBIE, J.  
We concur: Scotland, P.J.  
Sims, J.
- C039862      THOMPSON, a Minor, etc., et al. v. SACRAMENTO CITY UNIFIED SCHOOL DISTRICT      (Not for Publication)**  
The judgment is affirmed.  
SCOTLAND, P.J.  
We concur: Blease, J.  
Nicholson, J.



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**March 26, 2003, continued**

**C039636      THE PEOPLE v. JAUREGUI      (Not for Publication)**

The judgment is affirmed.

CALLAHAN, J.

We concur:    Blease, Acting P.J.  
Robie, J.

**C040465      THE PEOPLE v. McCART      (Not for Publication)**

The judgment is affirmed.

DAVIS, Acting P.J.

We concur:    Callahan, J.  
Robie, J.

**March 27, 2003**

**C039454      THE PEOPLE v. TAYLOR      (Not for Publication)**

The judgment is affirmed.

SCOTLAND, P.J.

We concur:    Sims, J.  
Hull, J.

**C040292      THE PEOPLE v. WAYNE      (Not for Publication)**

The judgment is affirmed.

SCOTLAND, P.J.

We concur:    Raye, J.  
Robie, J.

**C041697      THE PEOPLE v. SMITH      (Not for Publication)**

The judgment is affirmed.

HULL, J.

We concur:    Davis, Acting P.J.  
Nicholson, J.

**C033446      RUIZ v. SOUTHERN PACIFIC TRANSPORTATION COMPANY      (Not for Publication)**

The judgment is affirmed. Plaintiff is awarded his costs on appeal.  
(Cal. Rules of Court, rule 27(a).)

KOLKEY, J.

We concur:    Raye, Acting P.J.  
Morrison, J.

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**March 27, 2003, continued**

**C039081      SPENCER v. PLACER COUNTY ANIMAL CONTROL et al.      (Not for Publication)**

The judgment is affirmed.

DAVIS, J.

We concur:    Scotland, P.J.  
                    Kolkey, J.

**C041375      MAYLE et al. v. GRANT JOINT UNION HIGH SCHOOL DISTRICT et al.      (Not for Publication)**

The judgment is reversed, and the matter is remanded to the trial court with directions to enter a new order denying defendants' motion for summary judgment. Plaintiffs are entitled to costs on appeal.

HULL, J.

We concur:    Blease, Acting P.J.  
                    Callahan, J.

**March 28, 2003**

**C033914      THE PEOPLE v. LEWIS      (Not for Publication)**

The judgment is affirmed.

MORRISON, J.

We concur:    Raye, Acting P.J.  
                    Kolkey, J.

**C040634      THE PEOPLE v. LENNING      (Not for Publication)**

The judgment is modified... As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.

NICHOLSON, J.

We concur:    Davis, Acting P.J.  
                    Callahan, J.

**C040824      THE PEOPLE v. MARTINEZ III      (Not for Publication)**

The judgment is affirmed. The case is remanded to the superior court, which shall determine the amount of postsentence credit applicable to defendant's sentence for time spent in residential drug treatment as a condition of probation. The superior court clerk shall prepare an amended abstract including applicable postsentence credit and forward a certified copy to the Department of Corrections.

MORRISON, J.

We concur:    Sims, Acting P.J.  
                    Nicholson, J.



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**March 28, 2003, continued**

<b>C039054</b>	<b>THE PEOPLE v. WARD</b> The judgment is affirmed. MORRISON, J. We concur: Blease, Acting P.J. Davis, J.	<b>(Not for Publication)</b>
<b>C039593</b>	<b>THE PEOPLE v. GUERRA</b> The judgment is affirmed. HULL, J. We concur: Davis, Acting P.J. Nicholson, J.	<b>(Not for Publication)</b>
<b>C039886</b>	<b>THE PEOPLE v. WILLIAMS</b> The judgment is affirmed. CALLAHAN, J. We concur: Davis, Acting P.J. Nicholson, J.	<b>(Not for Publication)</b>
<b>C040050</b>	<b>THE PEOPLE v. JOHNSON</b> The judgment is affirmed. MORRISON, J. We concur: Sims, Acting P.J. Nicholson, J.	<b>(Not for Publication)</b>
<b>C041194</b>	<b>THE PEOPLE v. JOSEPH</b> The judgment is affirmed. MORRISON, J. We concur: Blease, Acting P.J. Callahan, J.	<b>(Not for Publication)</b>
<b>C042589</b>	<b>THE PEOPLE v. BROOKS</b> The judgment is affirmed. KOLKEY, J. We concur: Blease, Acting P.J. Morrison, J.	<b>(Not for Publication)</b>
<b>C042708</b>	<b>THE PEOPLE v. KELLEY</b> The judgment is affirmed. MORRISON, J. We concur: Blease, Acting P.J. Kolkey, J.	<b>(Not for Publication)</b>

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**March 28, 2003, continued**

**C038541      INMAN v. SACRAMENTO REGIONAL TRANSIT DISTRICT**  
**(Not for Publication)**

The judgment and order are affirmed.

CALLAHAN, J.

We concur:    Scotland, P.J.

Blease, J.

**C039250      CITY OF REDDING v. THE SUPERIOR COURT OF SHASTA COUNTY and  
LOCAL UNION NO. 1934 OF THE INTERNATIONAL ASSOCIATION OF FIRE  
FIGHTERS**  
**(Not for Publication)**

Let a peremptory writ of mandate issue directing respondent superior court to vacate its order compelling arbitration. The alternate writ having served its purpose is discharged. Upon finality of this opinion, the stay is vacated. The city shall recover its costs on this original proceeding. (Cal. Rules of Court, rule 56.4(a).)

HULL, J.

I concur:      Nicholson, J.

I dissent...

I would deny the issuance of a peremptory writ of mandate and uphold the constitutionality of sections 1299 to 1299.9 of the Code of Civil Procedure.

Blease, Acting P.J.

**C039803      KATZBERG v. VANDERHOEF, as Chancellor, etc.**  
**(Not for Publication)**

The judgment is reversed. The parties shall bear their own costs on appeal.

HULL, J.

We concur:    Nicholson, Acting P.J.

Callahan, J.

**C039834      In re LANCE D.; THE PEOPLE v. LANCE D.**  
**(Not for Publication)**

The judgment is affirmed.

MORRISON, J.

We concur:    Blease, Acting P.J.

Davis, J.

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**The Minutes**

**March 28, 2003, continued**

**C042505      DUARTE et al. v. BOGGS STEEL FABRICATION, INC., et al.**  
**C043375**

BY THE COURT:

The motion of appellants for consolidation of the above cases is granted. The cases are ordered consolidated for all further appellate procedures except that they will retain their respective case numbers. Whenever documents are submitted for filing by the parties, an original must be presented for each case number; however, if copies of documents are required pursuant to the California Rules of Court, the parties need only submit a maximum of four. The cases will be considered for decision together.

Appellants' combined opening brief and appendix is due on or before May 7, 2003.

SCOTLAND, P.J.

**March 31, 2003**

**There are no minutes for this date.**